

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ROSELYNN STUART-DAVILA,

Plaintiff,

v.

INNOVATIVE EMERGENCY MANAGEMENT,
INC.,

Defendant.

CIVIL NO. 25-CV-01088 (CVR)

DEFENDANT’S REPLY IN SUPPORT OF MOTION TO DISMISS

TO THE HONORABLE COURT:

COMES NOW Defendant, through the undersigned attorney, and respectfully replies in support of its Motion to Dismiss Plaintiff’s Complaint:

Despite Plaintiff’s new allegations in Paragraphs 10 and 14 of her Opposition that she filed complaints with Defendant’s Human Resources Officer Torres about the sexually harassing conduct of employees Santos and Ruiz, a review of the cited portions of the Complaint proves otherwise. Docket No. 12, ¶¶ 10 and 14, citing Docket No. 1, ¶¶ 8, 9 and 12. Plaintiff pretends to hold Defendant liable for comments made to her by employees Santos and Ruiz without ever having reported them to Human Resources. Tellingly, at ¶8 of her opposition, Plaintiff states that “she rejected defendant’s unwelcome conduct.” There are no other Defendants in this case but

Innovative. Blanket allegations and imputations which belie deficient pleadings are not sufficient to withstand a motion to dismiss under the Supreme Court's Twombly-Iqbal standard.

Furthermore, Plaintiff attempts to create a factual issue regarding the positions of employees who allegedly harassed her, calling them "top officers" for the first time in her Opposition at Paragraph 6. Although she identifies her supervisors in her Complaint at Paragraph 5 as Edgar Dixon Rodriguez and at Paragraph 19 as Linnette Diaz, she does not make any allegations regarding supervisory authority as to employees Roman, Santos and Ruiz. This is precisely the type of conjecture and speculation that the dismissal standard is meant to weed out.

WHEREFORE, based on the foregoing, Defendant Innovative Emergency Management, Inc. respectfully requests that the Honorable Court grant its Motion to Dismiss.

In San Juan, Puerto Rico this 6th day of June 2025.

RESPECTFULLY SUBMITTED,

FABRE LLC

*Attorney for Innovative Emergency
Management Inc.*

PMB 295 PO Box 70344

San Juan PR 00936

Tel. 787.457.0064

ismalia@fabrelaw.com

/s/ G. Ismalia Gutierrez-Galang

G. ISMALIA GUTIERREZ-GALANG

USDC-PR No. 218513

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this same day I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which notifies the parties.

/s/ G. Ismalia Gutierrez-Galang